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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,521	05/31/2000	Kensuke Ishii	OOCL-33 (SY-OOSO352)	2500

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EXAMINER

LONG, HEATHER R

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/583,521

Applicant(s)

ISHII ET AL.

Examiner

Heather R Long

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 10 is/are pending in the application.
- 4a) Of the above claim(s) ³⁻⁹~~1-15~~ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figure 23 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Fig. 7, reference signs "2281, 2282, 228N, and 2250"; Fig. 9, reference sign "247"; and Fig. 16, reference sign "3195". A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:
 - a. Page 37, line 15: change "(281)" to --(2821)--.
 - b. Page 29, line 1: change "(at step S29)" to --(at step S24)--.
 - c. Page 42, line 4: change "(3151)" to --(3121)--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Ishii et al. (U.S. Patent 5,982,416).

Regarding claim 1, Ishii et al. discloses a color reproduction system comprising: a color image input section (11); and a color correcting section (14) for correcting colors of an image of a subject obtained by photographing the subject by the color image input section (11), wherein the color correcting section (14) corrects colors by changing over a plurality of color correction parameters according to a subject image signal from the color image input section (11) (Figs. 3, 8, and 9; col. 2, lines 21-30; col. 4, lines 40-49 and 65-67).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al. as applied to claim 1 above, and further in view of Meir et al. (U.S. Patent 6,037,950).

Regarding claim 2, Ishii et al. discloses a color reproduction system, wherein the color correcting system comprises: a device-independent color converting section for converting an image into a device-independent color image by using the input profile selected from among the plurality of input profiles (Fig. 9); and a device value image converting section for converting the combined device-independent color image into an output device value image by using a predetermined output profile (Figs. 14 and 15) (col. 2, lines 21-30; col. 4, lines 40-49). However, Ishii et al. fails to disclose the color reproduction system having an object recognizing section for dividing a subject image input from the color image input section into images of a plurality of areas, and selecting a suitable input profile from among a plurality of input profiles for each divided area; and an image combining section for combining the device-independent color images converted at divided areas into on device-independent color image.

Referring to the Meir et al. reference, Meir et al. discloses a color reproduction system, wherein the color correction section comprises: an object recognizing section for dividing a subject image input from the color image input section into images of a plurality of areas (Fig. 7), and selecting a suitable input profile from among a plurality of input profiles for each divided area; and an

image combining section for combining the device-independent color images converted at divided areas into one device-independent color image (Fig. 8) (col. 4, lines 35-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Meir et al. with Ishii et al. in order to produce a color reproduction system with a better more extensible, integrated profile generation by dividing the image into a plurality of areas and then matching those areas to a profile to better match the colors between two devices.

Regarding claim **10**, Ishii et al. discloses a color reproduction system, wherein the input profile is prepared based on at least one of image input unit information that includes photographic characteristics of an image input unit used for the photographing and information on a set state of the color image input section, observation illumination light information, and subject characteristic information that represents statistical characteristics of spectral reflectances of the photographed subject (col. 7, lines 26-32).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Kumada et al. (U.S. Patent 6,642,029) discloses in Fig. 2 a color reproduction system, wherein the color reproduction system comprises: a device-

independent color converting section for converting an image into a device-independent color image by using the input profile selected from among the plurality of input profiles; and a device value image converting section for converting the combined device-independent color image into an output device value image by using a predetermined output profile.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R Long whose telephone number is 703-305-0681. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HRL
March 4, 2004


NGOC-YEN VU
PRIMARY EXAMINER